

REMARKS

After the foregoing amendment, claims 1-9, and 14-15 are pending in the application.

Applicant respectfully requests additional consideration and review of the claims in view of the foregoing amendment and the following remarks.

Claim Objections

The Examiner has objected to claims 6, 10, 13, and 14 for being duplicated. Applicant has canceled claims 10 and 13.

Rejections Under 35 U.S.C. § 102(e)

The Examiner has rejected claims 1-3 and 5-11 under 35 U.S.C. §102(e) as being unpatentable over Kannas et al. (U.S. Patent No. 6,683,853 B1). Claims 10 and 11 have been canceled.

A purpose of Applicant's claimed invention is to provide a method to reduce delays in establishing user connections in a communications system. An important aspect of Applicant's claimed invention is to perform variable quality of service negotiation in which multiple traffic class preferences are requested in priority order. This important aspect of Applicant's claimed invention is set forth, for example, in independent claim 1 that calls for "performing variable quality of service negotiation with the wireless data network, said negotiation including an indication for requesting multiple possible traffic class preferences in a priority order ...". See, for example, page 2, lines 19-21 in Applicant's specification where this aspect of the invention is discussed.

Turning now to the cited prior art, the Kannas reference, like Applicant, is generally concerned with allocating system resources to provide a selected quality of service in a communications network. However, there is a significant difference in Applicant's claimed invention and Kannas.

Specifically, the network disclosed in the Kannas reference attempts to allocate a certain quality of service based on a request from a user station initiating a packet data communications. If the network detects congestion, then

an alternative quality of service can be assigned. If the alternative quality of service is accepted, the network monitors the level of congestion during the communications session, and, upon identification, assigns an available quality of service that may be more attractive to the user for use during the ongoing communications session. This aspect is disclosed in column 2, lines 11-35 of Kannas. However, the fact remains that contrary to Applicant's claim 1, Kannas does not teach, "performing variable quality of service negotiation with the wireless data network, said negotiation including an indication for requesting multiple possible traffic class preferences in a priority order ...". This distinction alone is sufficient to distinguish Applicant's claim 1 from Kannas.

Kannas does not teach the limitations recited in Applicant's independent claim 1 for the above-mentioned reasons. Since claims 2, 3, and 5 depend from claim 1, these dependent claims are therefore also believed to be allowable for the same reasons set forth above for independent claim 1. Therefore, Kannas does not embody Applicant's claims 2, 3, and 5.

Independent claim 6 has a limitation similar to that in independent claim 1. Claim 6 calls for "a quality of service information element comprising a quality of service class field that is indicative of requesting multiple traffic classes in the message ...". Kannas does not teach the limitation for the above-mentioned reasons. Since claims 7-9 depend from claim 6, these dependent claims are therefore also believed to be allowable for the same reasons set forth above for independent claim 1. Therefore Kannas does not embody Applicant's claims 6-9.

In view of the foregoing, Applicant respectfully requests that the rejection under 35 USC §102(e) be withdrawn.

Rejections Under 35 U.S.C. § 103(a)

The Examiner has rejected claims 4 and 12-15 under 35 U.S.C. §103(a) as being unpatentable over various references. Applicant respectfully submits that even if it were obvious to combine the references in the manner suggested in the Office Action, the resulting combination would not embody Applicant's inventive teachings nor render Applicant's claims obvious.

Rejections Under Kannas and Malmlof

The Examiner has rejected claims 13 and 14 under 35 U.S.C. §103(a) as being unpatentable over Kannas et al. (U.S. 6,683,853 B1) in view of Malmlof (U.S. 6,594,241 B1). Claim 13 has been canceled.

First, as noted in the Office Action, Kannas does not disclose “A packet server comprising a transceiver for exchanging messages with a second packet serve ...”. Also, Kannas does not teach Applicant’s claim 14 limitation calling for, “a message comprising a quality of service information element comprising at least one traffic class field for conveying requests for multiple traffic classes in a priority order ...”.

Second, Malmlof addresses the problem of if, when, and how often to make a channel type switch between a dedicated channel for circuit switched services and common channel for packet switched services during the course of a user connection. Malmlof, similar to Kannas, does not teach Applicant’s claim 14 limitation calling for, “a message comprising a quality of service information element comprising at least one traffic class field for conveying requests for multiple traffic classes in a priority order ...”.

Combining Kannas with Malmlof would therefore not embody Applicant’s claimed invention. Applicant’s claim 14 limitation calls for, “a message comprising a quality of service information element comprising at least one traffic class field for conveying requests for multiple traffic classes in a priority order ...”. Neither Kannas nor Malmlof, even when combined, teach a quality of service information element comprising at least one traffic class field for conveying requests for multiple traffic classes in a priority order. This distinction is sufficient to distinguish Applicant’s claims 14 from the combination of Kannas and Malmlof.

Accordingly, Applicant respectfully requests reconsideration and withdrawal of the 35 U.S.C. § 103(a) rejection of claim 14.

Rejections Under Kannas and Galyas

The Examiner has rejected claims 4, 12 and 15 under 35 U.S.C. §103(a) as being unpatentable over Kannas et al. (U.S. 6,683,853 B1) in view of Galyas (U.S. 6,519,260 B1). Claim 12 has been canceled.

First, there is no motivation to combine the cited references. The lack of motivation to combine these references is evidenced by the fact that there is no teaching in Kannas to suggest that there would be any improvement in Kannas' system of upgrading and downgrading a quality of service with a priority information field to distinguish between speech information and packet data as taught by Galyas.

Second, as noted in the Office Action, Kannas does not disclose Applicant's claim 4 limitation calling for "at least one traffic class field for conveying requests for multiple traffic classes in a priority order" and claim 15 limitation calling for "a quality of service class field that is indicative of requesting multiple traffic classes in a priority order".

Third, Galyas provides a system for reducing the delay of speech processing by prioritizing the information transmitted over the system. Galyas discloses a priority information field that is added to the header of a packet. The purpose of the priority information field is to allow distinctions to be made between the types of services being transmitted. For example, Galyas assigns a high priority bit to speech information and a low priority bit to packet data. Next, a priority detection unit in a router detects the level of priority of each packet stored. Then the router transmits high priority packets to a base station controller for processing ahead of low priority packets, as stated in column 6, lines 29-53.

Even assuming that Galyas' priority information field is a traffic class field, the fact remains that contrary to Applicant's claimed invention, Galyas does not teach Applicant's claim 4 limitation calling for "... at least one traffic class field for conveying requests for multiple traffic classes in a priority order". Nor does Galyas teach Applicant's claim 15 limitation calling for "a quality of service class field that is indicative of requesting multiple traffic classes in a priority order". Galyas' priority information field transports specific priority levels (e.g., high, low)

rather than requests for multiple traffic classes in a priority order, as in Applicant's claims 4 and 15.

Combining Kannas with Galyas would therefore not embody Applicant's claimed invention. Applicant's claim 4 limitation calls for, "... at least one traffic class field for conveying requests for multiple traffic classes in a priority order". Also, Applicant's claim 15 limitation calls for "a quality of service class field that is indicative of requesting multiple traffic classes in a priority order". Neither Kannas nor Galyas, even when combined, teach these limitations. This distinction is sufficient to distinguish Applicant's claims 4 and 15 from the combination of Kannas and Galyas.

Accordingly, Applicant respectfully requests reconsideration and withdrawal of the 35 U.S.C. § 103(a) rejection of claims 4 and 15.

Conclusion

In view of the foregoing amendments and remarks, Applicant submits that claims 1-9 and 14-15 are in condition for allowance, and reconsideration is therefore respectfully requested. If there are any outstanding issues that the Examiner feels may be resolved by way of a telephone conference, the Examiner is invited to contact the undersigned to resolve the issues.

Respectfully submitted,

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Sharon L. Lobosco Date 7/14/04
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